

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/941,052	SCHLIEFFERS, JORG	
	Examiner D. I. Lee	Art Unit 2876	<i>PN</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 8/9/04 (Amendment) & 9/10/04 (RCE).
2.  The allowed claim(s) is/are 26-29 and 31.
3.  The drawings filed on 23 January 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed 09 August 2004. Claim 26 has been canceled; claim 30 has been canceled; and no claims have been newly added. Currently, claims 26-29 and 31 are pending in this application.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 September 2004 has been entered.

### ***Allowable Subject Matter***

3. Claims 26-29 and 31 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Reynolds [US 5,828,052] discloses a reader for a scanner including a housing, a scanner (a scan engine contained in the housing), a first resilient member (i.e., the upper bumper of elastomers to protect underlying surface of the scanner), a second resilient member (i.e., lower bumper and end cap), an eyelet (i.e., an opening). The housing having a body portion extending along a longitudinal direction to a head portion located at one end region of the housing including a light-transmissive window and a handled portion extending along a handle direction to an opposite end region of the housing. The scanner is mounted within the housing for electro-optically scanning the indicia with light passing through the window during a reading mode, and wherein the scanner includes a trigger on the handle portion for manually actuating the scanner when the handle portion is held by the user, thus, activating the trigger provides an operation transition of the scanner from a non-reading mode to a reading mode. The first

resilient member is mounted at one end region and constituted of a hard rubber and a first resting surface. The second resilient member is mounted at the opposite end region and extending away from the handle portion and having a bottom edge constituting a rear contact zone which, together with the first resting surface from the first resilient member, capable of simultaneously support the housing on a generally planar support surface when the handle portion is not held by a user (i.e., non-reading mode). The eyelet is extending from the second resilient member, for alternatively supporting the housing when the handle portion is not held by the user (i.e., the opening at the end cap of the reader may be optionally used for suspending the reader from a support projection such as a nail, a hook, and etc. when not scanning or non-reading mode). Reynolds shows that the scanner having a body of the longitudinal direction portion and handle directions of the handle portion forming an obtuse angle with each other (i.e., the handle is slanted with respect to the head body) and the eyelet extends along the handle direction through the second resilient member.

Evers [US 6,036,096] discloses a hand-held imager including a housing having a body portion extending along a longitudinal direction to one end region (i.e., a head portion) with a light-transmissive window contained therein and a handled portion extending along a handle direction to an opposite end region of the housing. The hand-held imager having a scanner (a scan engine contained in the housing) mounted within the housing for electro-optically scanning the indicia with light passing through the window. The hand-held imager further includes a first resilient member (i.e., an end cap) mounted at said one end region and constituted of a hard rubber. The first resilient member being an annular, surrounding the window, and having upper, lower and side edges extending along the longitudinal direction past the window away from the body portion to constitute a first resting surface. The hand-held imager further includes a spacer (the spacer is integral with the lower edges of the first resilient member) on the first resilient member for spacing the window at a given minimum distance from the indicia to be read in the reading mode and a second resilient member (i.e., end member with a flexible coupling) mounted at the opposite end region and extending away from the handle portion, said second resilient member having a

bottom edge constituting a second resting surface, which together with the first resting surface from the first resilient member, support the housing on a generally planar support surface when the handle portion is not held by a user. Evers also the scanner having a body of the longitudinal direction portion and handle directions of the handle portion forming an obtuse angle with each other (i.e., the handle is slanted with respect to the head body)

Sakai [US 4,210,802] teaches a bar code scanner having a guide engaged with the body portion of the scanner and wherein the guide includes side edges extending further from the window than the upper and lower edges such that the side edges extending further from the window than the upper and lower edges can be a pair of front contact zones spaced apart from one another. Also, the specific spacing of the side edges encompasses the bar codes therebetween and automatically defines a scanning region when the side edges are contacted with the record medium.

One of ordinary skill in the art would not have been motivated to modify the teachings of Reynolds, Evers, and Sakai, alone or in combination with other references, in order to provide the optical reader with the specific structure of the resilient members having a first annular resilient member along with a second resilient member mounted opposite end region from the first resilient member providing a front contact zones and wherein the second resilient member having side walls with front and rear edges extending away from opposite sides of the handle portion and wherein the side walls of the second resilient member meeting at a bottom edge of the reader constituting a rear contact zone and along with the specific claimed structure of an eyelet extending through the second resilient member from the front edge between the side walls through the rear edge lengthwise of the handle portion along the handle direction, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee  
Primary Examiner  
Art Unit 2876

D. L.